

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC,

Plaintiff,

v.

TEXAS INSTRUMENTS, INC., ET AL.,

Defendants.

BLUE SPIKE, LLC,

Plaintiff,

v.

ENTROPIC COMMUNICATIONS, INC.,

Defendant.

Civil Action No. 6:12-cv-499-MHS
(Lead case for Consolidation Issues)

JURY TRIAL DEMANDED

Civil Action No. 6:13-CV-00125-MHS

JURY TRIAL DEMANDED

**DECLARATION OF ALAN H. BLANKENHEIMER IN SUPPORT OF
ENTROPIC COMMUNICATIONS, INC.’S MOTION TO DISMISS
BLUE SPIKE, LLC’S FIRST AMENDED COMPLAINT FOR INDIRECT
AND WILLFUL PATENT INFRINGEMENT FOR FAILURE
TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED**

I, Alan H. Blankenheimer, declare as follows:

1. I am a Partner with Covington & Burling LLP, counsel for Defendant Entropic Communications, Inc. (“Entropic”) in the above-captioned matter. I am a member in good standing of the Bar of the State of California, and I am admitted to practice before various courts, including the Eastern District of Texas. I make this declaration based on my own personal knowledge, and if called as a witness, I could and would competently testify to the matters set forth herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of a document titled “Report and Recommendation of United States Magistrate Judge” filed on February 7, 2013 in

U.S. Ethernet Innovations, LLC v. Cirrus Logic, Inc., et al., Case No. 6:12-cv-366 MHS-JDL in the United States District Court for the Eastern District of Texas (Dkt. No. 69).

3. Attached hereto as **Exhibit B** is a true and correct copy of an Order filed on September 10, 2012 in *Klausner Technologies, Inc. v. Oracle Corporation, et. al.*, Case No. 6:11-cv-556 in the United States District Court for the Eastern District of Texas (Dkt. No. 55).

4. Attached hereto as **Exhibit C** is a true and correct copy of a document titled “Report and Recommendation of United States Magistrate Judge” filed on July 30, 2013 in *MacroSolve, Inc. v. United Air Lines, Inc.*, Case No. 6:11-cv-694-LED-JDL in the United States District Court for the Eastern District of Texas (Dkt. No. 42).

5. Attached hereto as **Exhibit D** is a true and correct copy of an Order Adopting Report and Recommendation of Magistrate Judge filed on August 22, 2012 in *MacroSolve, Inc. v. United Air Lines, Inc.*, Case No. 6:11-cv-694-LED-JDL in the United States District Court for the Eastern District of Texas (Dkt. No. 48).

6. Attached hereto as **Exhibit E** is a true and correct copy of an Order on Motion to Dismiss filed on March 27, 2013 in *Touchscreen Gestures LLC v. Research in Motion Limited and Research in Motion Corporation*, Case No. 6:12-cv-263-MHS in the United States District Court for the Eastern District of Texas (Dkt. No. 22).

7. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 30th day August, 2013, in San Diego, California.

COVINGTON & BURLING LLP

By /s/ Alan H. Blankenheimer

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